

# **Environmental Assessment**

**Title:** Crook County Landfill Request for Road ROW

**Environmental Assessment (EA) Number:** OR-056-00-081

**Serial Number:** OR 46940

**Applicant:** Crook County Road Department (CCRD) on behalf of Crook County Landfill (CCL)

**Bureau of Land Management (BLM) Office:** Prineville District Office  
P.O. Box 550 (3050 NE 3<sup>rd</sup> St.)  
Prineville, OR 97754

**Resource Area:** Deschutes

## **PURPOSE AND NEED**

Crook County Road Department (CCRD) is applying on behalf of Crook County Landfill (CCL) to amend right-of-way (ROW) grant OR 46940 to include a road to cross public lands. CCL intends use the proposed road for the purpose of transporting clay from lands owned by the county to the existing county landfill, which is located north of the Prineville Airport. The county needs to use the clay to comply with Department of Environmental Quality (DEQ) regulations to encase the landfill. DEQ has verified to BLM that use of clay from this site meets its requirements and fills a need for responsible landfill-site management by CCL.

At some future time, CCL may consider transporting solid waste from the existing county landfill to the county parcel, making it a new landfill. Determining the location of a landfill site is within the jurisdiction of the county. Before a new landfill is created, CCL would have to pass the requirements of DEQ and state land use planning. CCL has not determined if it will take this action and, consequently, has not begun this process. DEQ is not opposed to consideration of the Crook County clay site, especially as a regional collector.

## **CONFORMANCE WITH APPLICABLE LAND USE PLAN**

The proposed action is subject to and in conformance with the following land use plan: Brothers/La Pine Resource Management Plan(RMP), July 1989.

On page 29 under Rights-of Way and Utility and Transportation Corridors, the following guidance regarding rights-of-way is provided: Public lands will continue to be available for rights-of-way, including multiple use and single use utility/transportation corridors following existing routes, communication sites, and roads.

The BLM Manual, under 2800.06 Policy 1) states the following: Allow owners of non-Federal lands surrounded by public land managed under FLPMA a degree of access across public land which will provide for the reasonable use and enjoyment of the non-Federal land. Such access must conform to the rules and regulations governing the administration of the public land; keep in mind however, that the access necessary for the reasonable use and enjoyment of the non-Federal land can not be denied.

This manual and the RMP are available for public review at 3050 NE 3<sup>rd</sup> Street in Prineville, Oregon.

## **PROPOSED ACTION AND ALTERNATIVES**

### No Action

In a no action alternative, BLM would deny a road ROW to CCRD to cross public lands between Millican County Road and lands owned by CCL. Private lands border the CCL parcel on the east side; however, CCRD is not able to access the parcel from the east for the following reasons:

- (1) The county does not have an easement to cross private lands.
- (2) It is not possible to construct a road through the rimrock cliffs to access State Highway 27. The cost would be prohibitive. It is not feasible to construct a road within the narrow area of the private lands. The road grade up to the rimrock would be too steep to permit truck passage. The road would impact the visual qualities associated with the Crooked River, which the BLM has committed to protect in the Lower Crooked Wild and Scenic River (Chimney Rock Segment) Management Plan, October 1992.
- (3) It is not possible to build a bridge over the Crooked River to access Highway 27. The cost would be prohibitive. Building a bridge across the Crooked River to access Highway 27 conflicts with commitments made by BLM in the Lower Crooked Wild and Scenic River(Chimney Rock Segment) Management Plan, October 1992.
- (4) Oregon Department of Transportation would not permit an entrance onto Highway 27 because of conflicts with its scenic byway designation.
- (5) Finally, the City of Prineville would oppose increasing the level of truck traffic using Highway 27 because it passes through residential and downtown Prineville, raising safety issues.

Denial of a ROW under the circumstances described above is not an acceptable option.

FLPMA, as well as the BLM manual and handbook require reasonable access to private parcels when no other opportunity is available. To deny Crook County a ROW to this parcel would be to deny them use of their property.

### Proposed Action

CCRD is applying to amend ROW grant OR 46940 to include a road that would be 60 feet wide, which is consistent with the proposed use and with all CCRD roads under the grant. The road would be constructed and maintained to county standards, 28 feet wide (24 foot roadbed with a 2 foot gravel ditch shoulder on each side), 1.6 miles long (8,448 feet), approximately 11.63 acres. A four shot oil mat would be applied.

Equipment used for road construction and maintenance would include bulldozers, road graders, loaders, rollers, and trucks that would carry rock and asphalt. Equipment that is intended to use the road would be primarily loaders and dump trucks.

CCRD would build over an existing two-track, single-lane road to the extent that sound construction practices would permit. However, this existing road meanders; consequently, CCRD would not be able to use the entire road. CCRD would rehabilitate any portion of the road not developed.

CCL intends for the primary use of the road to occur during May, June, and July for the purpose of transporting about 2,400 loads of clay per year, about 48 days of use per year.

### Other Alternatives

No other alternatives were developed. Any other alternative that crosses public lands would require a longer route than that of the proposed alternative, except for the no action alternative.

An existing road does extend northwest from the county parcel across public lands, then across a private 160 acre parcel, and then back across public lands to Millican Road. The length of the road would be 0.5 mile further than the proposed action, and the length across public lands would be the same as in the proposed alternative. The applicant would have to acquire an easement to cross the private lands. Finally, the road crosses over a hill which would be difficult for trucks to drive. This route was considered but not developed as an alternative.

## **DESCRIPTION OF THE EXISTING ENVIRONMENT**

The area is a mixture of public, municipal, and private lands located in Crook County, approximately 10.5 miles south of Prineville Airport at the following (see maps A and B):

Willamette Meridian, Oregon,

T. 16 S., R. 15 E.,  
Sec. 34, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .

Containing 11.6 acres.

Public lands border the county parcel on three sides and private land borders the parcel on the fourth side. These private lands are within the Crooked Wild and Scenic River area.

Land uses include an electric transmission line that runs north-south. CCRD maintains an aggregate and gravel pit for construction and maintenance of Millican Road under a separate ROW.

The topography is flat and open, rimrock and canyon are located to the east. The average elevation is 3,500 feet.

Soils are Gosney/Rock Outcrop/Deskamp complex, which are stony to loamy sandy soils that have rock outcrops. The soils have a depth of two to thirty-two inches. These soils drain rapidly and generally have slopes from 0-15 percent.

Western juniper of all age classes are present, as well as big sagebrush, rabbitbrush, and bottlebrush squirreltail in the understory. Other grasses and forbes include Idaho fescue, Oregon sunshine, and granite gilia. Because of the sandy quality of the soils in this area and the amount of past use there are very few microbiotic type crusts.

The proposed ROW was surveyed for the presence or absence of special status plants. No special status plants were observed or suspected in the project area.

The area is within the Stearns Allotment, #5134. The allotment has an active program of cattle grazing. A fence crosses the existing road and a corral is adjacent to the road.

The area under consideration is within deer and antelope winter range in the Millican Plateau and has the following conditions attached by Federal Court Ruling (98-29-ST): Open year-round to OHV use on designated road and trails. The area is also adjacent to West Buttes/North Plateau (a designation in the court ruling that includes the area north of the proposed road), which has the following conditions: Motorized use is limited to existing roads and trails year-round.

## **IMPACTS**

## **Soil and Vegetation**

### No-Action

No impacts to public lands would occur as a result of this alternative.

### Proposed Action

No impacts would occur where the proposed road is constructed over the existing road.

In those segments where the proposed road is not constructed over the existing road, the soil in the road prism would be compacted then covered with an oil mat. Soil within the remaining ROW would be compacted. Road construction would completely destroy all vegetation within the road prism and disturb the remaining vegetation within the ROW.

Soil and vegetation will be removed at the location of the cattle guard, which will be installed where an allotment fence is currently gated.

Soil and vegetation will be disturbed on each side of the road during installation of fences. The fences will be required for public safety, to act as a barrier separating wildlife and livestock from the road, and to protect private property.

The old road would be rehabilitated through ripping and seeding where it is not used as a base for the proposed road.

Improving the road and the subsequent increase of use would increase risks for the importation and spread of noxious weeds onto public lands. Crook County has an active weed program and annually treats road segments to remove weeds.

## **Wildlife**

### No-Action

No impacts to wildlife would occur as a result of this alternative.

### Proposed Action

Wildlife would be displaced and avoid the site during construction. Wildlife would also avoid the site during heavy periods of use. The fences installed for the protection of wildlife will also act as an obstacle to their movement.

The proposed action may impact Northern Goshawk, Ferruginous Hawk, Burrowing Owl, Townsend's Big-eared Bat, Western Sage Grouse, and Pygmy Rabbit or their habitat.

Since the impacts would be limited in scope and the scale, the effects would not contribute to a trend towards federal listing or loss of viability to the population or species.

### **Threatened and Endangered Plants and Animals**

No effect would occur to threatened and endangered plants or animals as a result of this alternative.

### **Recreation**

#### No-Action

No impacts would occur as a result of this alternative.

#### Proposed Action

The northern portion of the Millican OHV play area is located in this area and a designated trail intersects with the proposed road. OHV users may use the trail during the same times as CCRD trucks would be hauling clay. However, the intensive use periods for the two activities are not the same. OHV riders tend to use the trail system during the weekend and after normal business hours. CCRD would use the proposed road on weekdays during normal business hours. At BLM direction, CCRD would install appropriate traffic signs and clear vegetation to a safe sight distance for intersections.

### **Cultural**

No impact would occur to the cultural resource as a result of any of the alternatives.

### **Cumulative**

Transportation of clay would increase use of Millican County road, and, consequently, travel through public lands. Regardless of this proposal, uses in this general area are increasing, including more uses on or adjacent to public lands. CCRD is improving county roads from single-lane, native-surface roads to two-lane, paved roads. More recreational traffic is moving on those county roads between Bend and Prineville Reservoir and the Millican OHV area. The population is increasing in the Juniper Acres Subdivision, the community of Alfalfa, and in the community of Powell Buttes.

### **Mitigation Measures and Residual Impacts**

Fences would be installed on both sides of the road, within the ROW to protect OHV recreational users, cattle, and wildlife. Fence specifications to mitigate wildlife passage would include wire heights of 38, 28, 24, and 18 inches, and the use of barbless top and

bottom wires.

Cattleguards would be installed at all fence intersections to protect the fencing and provide for ease of transport on the road and vehicle passage on designated trails.

Any facility damaged as a result of construction, maintenance, or use of this ROW would be repaired or replaced by CCRD.

During construction and maintenance activities, Millican Road and all adjacent designated trails would be posted and flaggers stationed to alert users about equipment hazards. During haul, all adjacent designated trails would be posted to alert users about route usage.

To provide for driving safety, CCRD would clear vegetation at intersections to a safe viewing distance.

To prevent the spread of noxious weeds on public lands, the applicant would continue with a weed prevention and eradication program within the its ROW.

Those stipulations previously attached to OR 46940 would remain in force.

### **NO IMPACT ITEMS**

The following critical elements were considered, but will not be addressed because they would either not be affected or do not exist in the project area:

1. Areas of Critical Environmental Concern
2. Air Quality
3. Drinking Water Quality
4. Environmental Justice
5. Floodplains
6. Hazardous Wastes
7. Native American Religious concerns
8. Paleontological Resources
9. Prime or Unique Agricultural Lands
10. Riparian Areas/Wetlands
11. Wilderness
12. Fisheries
13. Wild and Scenic Rivers

### **CONSULTATION AND COORDINATION**

#### **Persons and Agencies Consulted**

1. Norm Thompson, Crook County Road Department
2. Bruce Ricks, Crook County Landfill
3. Pete Schannauer, Crook County Planning Department

**Preparers (BLM)**

1. Robert B. Towne, Area Manger
2. Teal Purrington, Range Land Management Specialist
3. Greg Currie, Recreational Planner
4. Berry Phelps, Recreational Planner
5. Ron Gregory, Area Archeologist
6. Ron Halvorson, Botanist
7. Michelle McSwain, Hydrologist
8. Paul Schmidt, Biologist
9. Ron Wortman, Realty Specialist

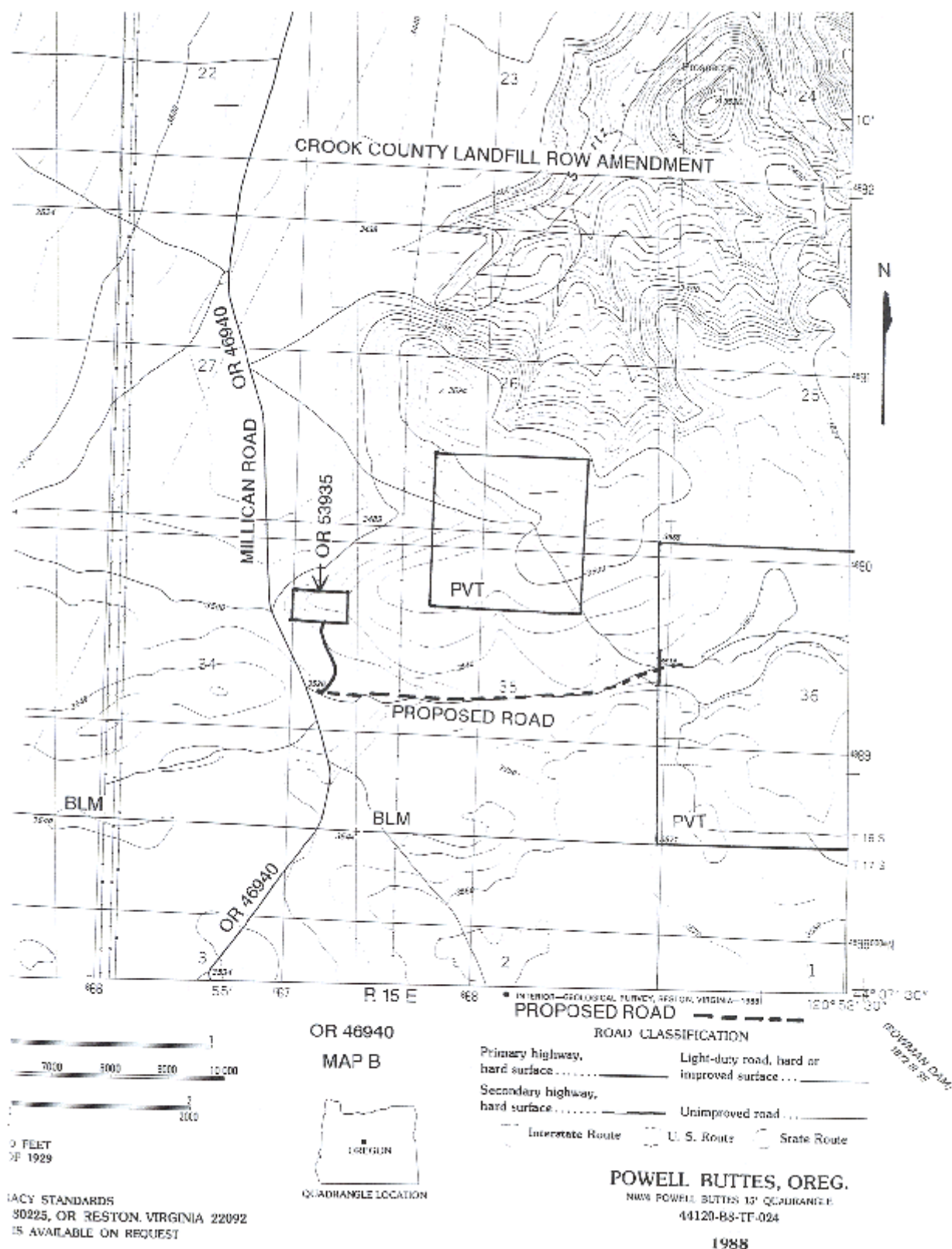
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JC Hanf  
J.C. Hanf

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10/24/00  
Date







## **FINDING OF NO SIGNIFICANT IMPACT**

**EA TITLE:** Crook County Landfill Request for Road ROW

**EA NUMBER:** OR-056-00-081

**SERIAL NUMBER:** OR-46940

**APPLICANT:** Crook County Road Department (CCRD) on behalf of Crook County Landfill (CCL)

**BLM OFFICE:** Prineville District  
P.O. Box 550 (3050 NE 3<sup>rd</sup> St.)  
Prineville, OR 97754

**RESOURCE AREA:** Deschutes

**LOCATION:** Approximately 10.5 miles south of Prineville Airport, intersecting with Millican Road at the following:  
Willamette Meridian, Oregon,  
  
T. 16 S., R. 15 E.,  
Sec. 34, NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Sec. 35, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ .  
  
Containing 11.6 acres.

### **SUMMARY OF PROPOSED ACTION AND ALTERNATIVES**

The Proposed Action would permit CCRD to construct and operate a road on public lands. The road would be a connector between Millican County Road and lands owned by Crook County Landfill. This connector road would be used for the transportation of clay, which would be used as liner for the pits at the landfill site. The proposed road would be constructed over an existing road when possible. Portions of the existing road not used would be rehabilitated. May, June, and July would be the primary months of use.

The No Action Alternative would deny access across federal lands. Denial of access under the circumstances outlined in the EA is not an acceptable option. FLPMA, as well as the BLM manual and handbook require reasonable use of private parcels when no other reasonable opportunity is available.

One other alternative that crossed public lands was considered but it was not developed because it was a longer route, crossed private land without an easement, and could not be developed to permit efficient passage for trucks.

**FONSI DETERMINATION**

Based on the analysis of potential environmental impacts contained in the attached environmental assessment, I have determined that impacts to the human environment are not expected to be significant and an environmental impact statement is not required.

My reasons for this determination follow:

The proposed road uses the existing road to the fullest extent of sound road construction practices, minimizes impacts to soil and vegetation, and preserves the natural features of the area.

Crook County currently has an active weed program in cooperation with BLM with which to prevent weeds from spreading along roads.

Wildlife on public lands would be minimally impacted.

Threatened and Endangered Plants and Animals would not be impacted.

Recreational opportunities would be minimally impacted.

Appropriate public safety measures would be used.

Visual resources would not be impacted except minimally during construction.

There are no streams, lakes, or water bodies of any kind associated with the proposed action.

The cultural resource surveys discovered no cultural sites. The Confederated Tribes of the Warm Springs Reservation of Oregon expressed no concerns on the part of the tribes during subsequent communications.

There would be no significant irreversible or irretrievable commitment of resources.

**APPROVED**

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Marci Todd  
Acting Deschutes Field Manager

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Date